

REMARKS

The Examiner is thanked for the courtesies extended during the telephonic interview of August 17, 2004. The substance of the arguments discussed is incorporated herein.

Independent claims 44, 54, 61, 62, and 72 as well as dependent claims 44-52, 55-60, 63-71, and 73-80 were all rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 5,341,725 to Dick (hereinafter “Dick”). Amended claim 44 requires “the first piston rod being formed to include a first fluid passage therein such that providing fluid to the housing through the first fluid passage lengthens the actuator.” While Dick discloses a fluid passage within a piston rod, the piston passage of Dick does not **provide** fluid to the housing. Amended claim 44 requires that fluid be provided to the housing through the first fluid passage. Fluid is provided to the housing of Dick through ports 132, 134 (Fig. 2) and similar structures in other embodiments. The ports 132, 134 of Dick are not defined within piston rods. Furthermore, the fluid passages within the piston rods of Dick allow fluid to move from one location within the housing to another location within the housing. The only fluid that is available to travel within the fluid passages in the piston rods of Dick is fluid that has already been placed within the housing. Dick fails to disclose “the first piston rod being formed to include a first fluid passage therein such that providing fluid to the housing through the first fluid passage lengthens the actuator.” Accordingly, claim 44 is believed to be in condition for allowance. Such allowance is respectfully requested.

Similarly to claim 44, amended claim 54 requires “fluid flow into the housing through the first fluid passage [within first piston rod] causing expansion of the first and second pistons and fluid flow into the housing through the second fluid passage [within second piston rod] causing contraction of the first and second pistons.” Claim 61 requires “a fluid system coupled to each of the first and second pistons to supply pressurized fluid therethrough to the housing ... fluid flow into the housing through a first fluid passage within the first piston causing expansion of the first and second pistons and fluid flow into the housing through a second fluid passage within the second piston causing contraction of the first and second pistons.” Claim 62 requires “means for providing pressurized fluid to the housing, the pressurized fluid providing means including a fluid passage in each of the first and second pistons, fluid flow in the fluid passage of the first piston causing fluid flow in the fluid passage of the second piston.” Claim 72 requires “a first fluid passage positioned in the first piston, a second fluid passage positioned in the second piston, and a fluid system coupled to the first and second passages to provide pressurized fluid thereto to retract and extend the first and second pistons, fluid provided to the housing via the first fluid passage

causing expansion of both the first and second pistons, and fluid provided to the housing via the second fluid passage causing contraction of both the first and second pistons.” As discussed with respect to a similar limitation in claim 44, Dick fails to teach such limitations. Accordingly, removal of the rejection of each of claims 54, 61, 62, 72, and claims 44-52, 55-60, 63-71, and 73-80 depending therefrom is respectfully requested.

Additionally, claims 21, 43, and 51 were rejected under 35 U.S.C. §112(2) as being indefinite. Each of claims 21, 43, and 51 has been amended to alleviate this rejection. Allowance of claims 21, 43, and 51 is respectfully requested.

It is respectfully requested that the Examiner issue a Notice of Allowance in due course. If necessary, the Examiner is asked to call Applicants’ attorney to address any outstanding issues to expedite the prosecution of this application for all parties.

Furthermore, Applicants request that this Response be considered a request for an extension of time for a time appropriate for the response to be timely filed. Applicants request that any required fees needed beyond those submitted with this Response be charged to the account of Bose McKinney & Evans, Deposit Account Number 02-3223.

Respectfully submitted,



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